

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT MASSACHUSETTS**

**IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS
LIABILITY LITIGATION**

MDL No. 2419

Docket No.: 1:13-md-02419-RWZ

THIS DOCUMENT RELATES TO:

**Armetta, et al. v. Box Hill Surgery Center,
LLC, et al.
No. 1:14-cv-14022-RWZ**

**Bowman, et al. v. Box Hill Surgery Center,
LLC, et al.
No. 1:14-cv-14028-RWZ**

**Davis, et al. v. Box Hill Surgery Center,
LLC, et al.
No. 1:14-cv-14033-RWZ**

**Dreich, et al. v. Box Hill Surgery Center,
LLC, et al.
No. 1:14-cv-14029-RWZ**

**Farthing, et al. v. Box Hill Surgery Center,
LLC, et al.
No. 1:14-cv-14036-RWZ**

**Kashi, et al. v. Box Hill Surgery Center,
LLC, et al.
No. 1:14-cv-14026-RWZ**

**Torbeck, et al. v. Box Hill Surgery Center,
LLC, et al.
No. 1:14-cv-14023-RWZ**

**Handy, et al. v. Box Hill Surgery Center,
LLC, et al.
No. 1:14-cv-14019-RWZ**

MOTION FOR LEAVE TO APPEAR BY TELEPHONE

Non-party Barbara Wagner, by and through her undersigned counsel, hereby moves for this Court to allow attorney Ashley L. Marucci to appear and present argument to this Court via telephone at the July 14, 2016 hearing on the Motion for Protective Order (see Docket Nos. 2953, 2957). In support of this Motion, Ms. Wagner states as follows:

1. Attorney Ashley L. Marucci represents non-party Barbara Wagner in connection with her fact witness deposition in the above-referenced cases.

2. Ms. Marucci is located in Maryland, where Ms. Wagner lives and works. Although Ms. Marucci has been admitted to practice *pro hac vice* on a limited basis before this Court in the MDL proceedings, it would place an undue burden and expense for Ms. Marucci to be required to travel to Massachusetts for the hearing on the Motion for Protective Order.

3. Accordingly, Ms. Marucci respectfully requests to appear and argue the Motion for Protective Order via telephone before Judge Boal on July 14, 2016 at 3:30 p.m.

WHEREFORE, Non-party Barbara Wagner respectfully requests that her counsel, Ashley L. Marucci, be permitted to appear and argue via telephone for the July 14, 2016 hearing on her Motion for Protective Order, and requests such other relief as this Court deems just and proper under the circumstances.

Respectfully submitted,

/s/ R. Scott Krause

R. Scott Krause (Fed. Bar # 23667)
Eccleston & Wolf, P.C.
Baltimore-Washington Law Center
7240 Parkway Drive, 4th Floor
Hanover, MD 21076
krause@ewmd.com
410-752-7474 (telephone)
410-752-0611 (facsimile)

/s/ Ashley L. Marucci

Ashley L. Marucci (Fed. Bar # 18642)
Eccleston & Wolf, P.C.
Baltimore-Washington Law Center
7240 Parkway Drive, 4th Floor
Hanover, MD 21076
marucci@ewmd.com
410-752-7474 (telephone)
410-752-0611 (facsimile)

Attorneys for Non-party Barbara Wagner

CERTIFICATE OF SERVICE

This will certify that a true and accurate copy of the foregoing Motion for Leave to Appear by Telephone was served on all counsel of record by virtue of the Court's electronic filing system this 30th day of June, 2016.

/s/ Ashley L. Marucci

Ashley L. Marucci